

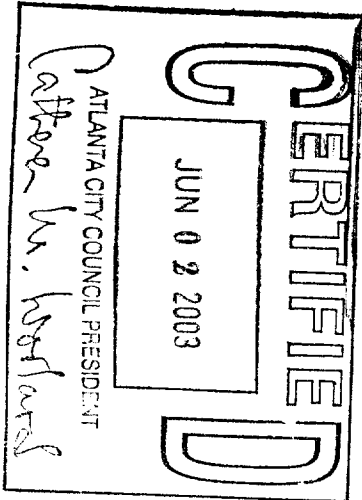
ADVERSED  
JUN 02 2003

Entered 12-11-01 - sb  
CL 01L0781 - GWENDOLYN BURNS

03-*R*-0805

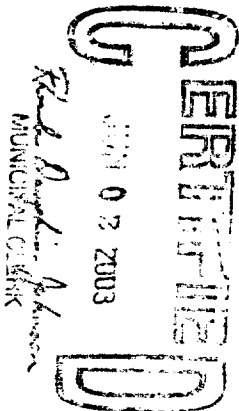
CLAIM OF: PATRICIA JOHNSTON  
through her attorney,  
Lee S. Golden, Esq.  
Hassett Cohen Goldstein  
Port & Gottlieb, LLP  
One Lakeside Commons  
990 Hammond Drive, Suite 990  
Atlanta, Georgia 30328

For bodily injuries alleged to have been sustained  
from a trip and fall incident on the sidewalk on  
October 27, 2001 at 15<sup>th</sup> Street & Peachtree Street,  
NE.



THIS ADVERSED REPORT IS  
APPROVED

BY:   
JERRY L. DELOACH  
DEPUTY CITY ATTORNEY



## ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE:

*P.S.*

CHAIR:

*5/27/03*

*Clara*

*C.T. Martin*

*H.G. [Signature]*



**CITY OF ATLANTA  
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK**

**55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103**

June 9, 2003

Lee S. Golden  
Attorney at Law  
One Lakeside Commons  
990 Hammond Drive  
Suite 990  
Atlanta, GA 30328

**03-R-0805**

**RE: Patricia Johnston**

Dear Attorney Golden:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on June 02, 2003. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0781

Date: May 12, 2003

Claimant /Victim PATRICIA JOHNSON  
 BY: (Atty) (Ins. Co) Lee S. Goldstein, Esq., HASSETT COHEN GOLDSTEIN PORT & GOTTLIEB, LLP  
 Address: One Lakeside Commons, 990Hammond Drive, Suite 990, Atlanta, Georgia 30328  
 Subrogation: Claim for Property damage \$ Bodily Injury \$ unspecified  
 Date of Notice: 11/27/01 Method: Written, Proper X Improper   
 Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
 Date of Occurrence 10/27/01 Place: 15<sup>th</sup> Street & Peachtree Street  
 Department PUBLIC WORKS Division Street Operations  
 Employee involved  Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that she sustained bodily injuries when she tripped and fell on a section of sidewalk that was elevated due to the growth of a tree root. However, the claimant is no longer being represented by her attorney and has failed to pursue her claim.

### INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_  
 Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other   X    
 Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
 Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

**BASIS OF RECOMMENDATION:**

Function: Governmental                     X                     Ministerial                       
Improper Notice                      More than Six Months                      Other           X           Damages reasonable                       
City not involved                      Offer rejected                      Compromise settlement                       
Repair/replacement by Ins. Co.                      Repair/replacement by City Forces                       
Claimant Negligent                      City Negligent                      Joint                      Claim Abandoned                     X                    

Respectfully submitted,

*Gwendolyn Burns*  
INVESTIGATOR - GWENDOLYN BURNS

**RECOMMENDATION:**

Pay \$ \_\_\_\_\_ Adverse ☒ Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2P01 \_\_\_\_\_ 2H01 \_\_\_\_\_  
Claims Manager: *[Signature]* Concur/date 05-13-07  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 4761  
6/02/03  
2:42 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs.1-11 Except:03-O-0767; 03-O-0706

ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 1  
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	E Fauver	Y Martin	NV Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

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**06/02/03 Council Meeting****ITEMS ADOPTED ON CONSENT  
AGENDA**

1. 03-O-0705
2. 03-O-0837
3. 03-O-0717
4. 03-O-0104
5. 03-O-0663
6. 03-O-0711
7. 03-O-0835
8. 03-O-0836
9. 03-O-0840
10. 03-O-0721
11. 03-O-0786
12. 03-O-0587
13. 03-O-0781
14. 02-R-1351
15. 03-R-0822
16. 03-R-0823
17. 03-R-0825
18. 03-R-0828
19. 03-R-0829
20. 03-R-0832
21. 03-R-0833
22. 03-R-0820
23. 03-R-0821
24. 03-R-0845
25. 03-R-0846
26. 03-R-0789
27. 03-R-0790
28. 03-R-0791
29. 03-R-0792
30. 03-R-0793
31. 03-R-0794

**ITEMS ADVERSE  
ON CONSENT  
AGENDA**

32. 02-R-1076
33. 02-R-1077
34. 02-R-1078
35. 02-R-1079
36. 02-R-1080
37. 02-R-1081
38. 02-R-1082
39. 02-R-1083
40. 02-R-1084
41. 02-R-1085
42. 02-R-1086
43. 02-R-1087
44. 02-R-1088
45. 02-R-1089
46. 02-R-1090
47. 02-R-1091
48. 02-R-1092
49. 02-R-1093
50. 02-R-1094
51. 02-R-1095
52. 02-R-1096
53. 02-R-1097
54. 02-R-1098
55. 02-R-1099

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Consent I Vote: 13Yeas; 0Nays: (See RCS #4761)  
Items Removed from the Consent Agenda: 03-O-0767; 03-O-0706